

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A whippable, Creamycreamy, milk-free ~~O/W~~ oil-in-water and protein-free emulsion, comprising:

- a) an aqueous phase which contains water, water-soluble carbohydrate, and a hydrocolloid ~~and optionally further hydrophilic constituents~~, and
- b) an oil phase which contains edible oil, ~~and/or~~ edible fat, or both ~~and an emulsifier and optionally further lipophilic constituents~~,

the weight ratio of the aqueous phase to the oil phase (a : b) being in the range of

9 : 1 to 6 : 4,

wherein the proportion of water-soluble carbohydrate is 10 to 50 wt.-% relative to the whole emulsion, and the proportion of hydrocolloid is 0.1 to 3 wt.-% relative to the whole emulsion and the emulsion has a viscosity at 10°C of 50 to 500 mPa · s.

2. (Currently Amended) The ~~O/W~~ oil-in-water emulsion according to claim 1, wherein the proportion of water-soluble carbohydrate is 10 to 50 wt.-% (relative to the whole emulsion).

3. (Currently Amended) The ~~O/W~~ oil-in-water emulsion according to claim 1, wherein the water-soluble carbohydrate is at least one member selected from the group

consisting of glucose, fructose, saccharose, glucose syrup, dried glucose syrup, fructose syrup, maltodextrins and/or oligofructoses.

4. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, wherein the proportion of hydrocolloid is 0.1 to 3 wt.-% (relative to the whole emulsion).

5. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, wherein the hydrocolloid is at least one member selected from the group consisting of guar, locust bean gum, xanthane, pectin, carrageenan, alginates, carboxymethylcellulose, hydroxypropylmethylcellulose, microcrystalline cellulose and/or inulin.

6. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, containing a hydrocolloid-stabilizing system comprising hydroxypropylmethylcellulose, microcrystalline cellulose and guar in a weight ratio of 1 : 0.5 to 0.75 : 0.1 to 0.3.

7. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, optionally containing acidulant as further hydrophilic constituent.

8. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, wherein the acidulant is at least one member selected from the group consisting of lactic acid, citric acid, tartaric acid and/or malic acid and the proportion of acidulant is 0.001 to 0.1 wt.-% (relative to the whole emulsion).

9. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, wherein the proportion of edible oil and/or edible fat is 10 to 40 wt.-% (relative to the whole emulsion).

10. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, wherein the edible oil and/or edible fat is at least one member selected from the group consisting of palm oil, palm-kernel oil, sunflower oil, soya oil, rape-seed oil, coconut oil and/or ~~technologically~~ modified derivatives of the same.

11. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, wherein the proportion of emulsifier is 0.1 to 5 wt.-% (relative to the whole emulsion).

12. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, wherein the emulsifier is at least one member selected from the group consisting of mono- and diglycerides of the edible fatty acids, polysorbates, sorbitan esters of edible fatty acids, sodium stearyl lactylates, mono- and diglycerides of edible fatty acids esterified with lactic acid (LACTEM), acetic acid (ACETEM) or diacetyltartartaric acid (DATEM), polyglycerine esters of edible fatty acids and/or lecithins.

13. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, containing an emulsifier system comprising sodium stearyl lactylates, polyoxyethylene 60 sorbitanmonostearate and mono- and diglycerides of the edible fatty acids in a weight ratio of 1 to 0.5 to 0.7 : 0.3 to 0.5.

14. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, being storage-stable in a pH range of 2.5 to 7.5 and being whippable with an accompanying increase in volume of at least 200 %.

15. (Currently Amended) The O/w oil-in-water emulsion according to claim 1, ~~being~~ mixed as an already-developed emulsion with acidulant, food product selected

from the group consisting of acid, neutral and/or alcohol-containing food product or mixtures of two or more of the same.

16. (Currently Amended) The O/w oil-in-water emulsion according to claim 15, wherein the acidulant is selected from lactic acid, citric acid, tartaric acid and/or malic acid and the proportion of acidulant is 0.02 to 0.5 wt.-% (relative to the mixed emulsion).

17. (Currently Amended) The O/w oil-in-water emulsion according to claim 15, wherein the acid, neutral and/or alcohol-containing food product is selected from the group consisting of fruits, fruit preparations, fruit syrups, fruit juices, sour milk products, yoghurt products, chocolate preparations, vanilla preparations, and/or liqueurs or mixtures thereof and the weight ratio of already-developed emulsion to acid, neutral and/or alcoholic food product is between 99 : 1 and 60 : 40.

18. (Currently Amended) A Processprocess for the preparation of a creamy, milk-free o/w emulsion as defined in claim 1, wherein

a) heating the edible oil and/or edible fat ~~is heated~~ to a temperature above its melting point and mixing the lipophilic constituents ~~are mixed~~ with the heated edible oil and/or edible fat,

b) heating water ~~is heated~~ separately and mixing the hydrophilic constituents ~~are mixed~~ with the heated water,

c) dispersing the oil phase ~~is dispersed~~ into the water phase,

d) heat treating the obtained pre-emulsion ~~is heat treated (pasteurized, ultra-heat treated or sterilized)~~,

- e) cooling the pre-emulsion is ~~cooled~~ to a temperature below 100°C,
- f) homogenizing the pre-emulsion is ~~homogenized~~ under a pressure of 50 to 250 bar, and
- g) cooling the obtained oil-in-water emulsion is ~~cooled~~ and ~~packed~~ packing it.

19. (Currently Amended) The Process ~~process~~ according to claim 18 ~~for the preparation of a creamy, milk-free o/w emulsion as defined, wherein comprising mixing~~ the emulsion from stage g) is ~~mixed~~ in a further step h) with acidulant, food product selected from the group consisting of acid, neutral and/or alcohol-containing food products or mixtures of two or more of the same.

20. Canceled.

21. (New) The oil-in-water emulsion according to claim 1 wherein the aqueous phase contains at least one further hydrophilic constituent.

22. (New) The oil-in-water emulsion according to claim 1 wherein the oil phase contains at least one further lipophilic constituent.